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Attorney Docket No. 01-448

REMARKS

Claims 1-16 are pending. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Counsel for the applicants appreciate the courtesy of the telephone interview on January 16, 2008. The following constitutes a summary of issues discussed at the telephone interview.

Claims 1-4, 6-7, and 9-16 were rejected under 35 USC 102(b) as being anticipated by JP-A-H110119792, Yamaguchi ("Yamaguchi"). Claim 5 was rejected under 35 USC 103(a) as being unpatentable over Yamaguchi in view of U.S. Patent No. 6,345,254, Lewis et al. ("Lewis"). Claim 8 was rejected under 35 USC 103(a) as being unpatentable over Yamaguchi in view of U.S. Patent No. 5,754,430, Sawada ("Sawada"). The applicants respectfully request that this rejection be withdrawn for reasons including the following, which are presented by way of example.

The specification describes problems in handling commands that are inexecutable in the current settings of a target device, for example, a vehicle navigation system. The user may be confused since, for example, the command is never executed but the user is not notified. (Specification page 1, line 25 to page 2, line 17.)

Independent claim 1 is amended to recite, in combination "a command executability determination means ... for providing, by the message output means, a correct usage of the voice command inputted by the user when the voice command is determined inexecutable in the function setting detected currently and is executable in a different function setting of the target device." (See also amended independent claims 9 and 10.) Support for the amendment is located in the application as filed, for example, page 6, lines 3-5, 7-11; page 8, lines 2-10.

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Consequently, it is checked whether the recognized voice command that is input to operate the target device is executable in relation to the current function setting (claim 1) or current operating condition (claims 9, 10) of the target device (claims 1, 9) or the navigation device (claim 10) which is to be controlled by the recognized voice command. Furthermore, the correct usage is provided if the voice command is currently inexecutable based on the current function setting (or operating condition) but is executable in a different function setting (or operating condition) of the target device (claims 1, 9) or the navigation device (claim 10).

The office action asserts that Yamaguchi discloses the invention as claimed. To the contrary, Yamaguchi fails to teach or suggest the invention, as presently claimed, when the claims are considered as a whole.

As a preliminary matter, the rejection of independent claim 10 and its dependent claims 15 and 16 must be withdrawn. Independent claim 10 is directed to "A voice control method for controlling a navigation device ..." and the input voice command is "one of predetermined commands to be used in operating the navigation device..." Yamaguchi fails to disclose a voice control system for a vehicle navigation system. Indeed, the Final Office Action, paragraph 7 admits that "Yamaguchi fails to ... distinctly disclose wherein the voice control system is used for a vehicle navigation system having a voice control function." Because the rejection of independent claim 10 and its dependent claims 15 and 16 under 35 USC 102(b) as anticipated by Yamaguchi is clearly erroneous, it must be withdrawn. In addition, for reasons provided below, it is believed that the other references fail to remedy the deficiencies of Yamaguchi.

Yamaguchi fails to teach or suggest, for example, "a function setting detection means for detecting a function setting of the target device;" and "a command executability determination means for determining executability of the command inputted by the user in the function setting

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detected by the function setting detection means and for providing ... a correct usage of the voice command inputted by the user when the voice command is determined inexecutable.” (Claim 1; see also claims 9, 10.)

Furthermore, Yamaguchi discloses an “irregular talk back” when an irregular command (i.e., a possible mis-recognized command) is received when device actuation is merely inhibited due to travel conditions, and requires recurrence of the voice command before performing the command (paragraphs [0047]-[0049]. Also, Yamaguchi discloses an “authorization of device actuation” talk back when an irregular command is received when device actuation is permitted (paragraphs [0050]-[0051]. Clearly, Yamaguchi fails to teach a combination that the voice command is inexecutable in the currently detected function setting of the target device, but executable in a different function setting. For this additional reason, independent claims 1, 9 and 10 are patentable over the references.

The examiner contends that Yamaguchi paragraph [0012] teaches a function detection and setting, and in particular detects a function setting of the target device. In Yamaguchi, an environmental condition such as traveling or day/night is detected and considered in operating a target device by a voice command. (Paragraphs [0010] to [0012], [0032], [0033]; see also paragraph [0046].) In the advisory action the examiner explains that Nighttime is “merely an external condition that leads to a function setting within a device controller,” and hence is “a function setting of the target device” (e.g., claim 1) or “an operating condition of the navigation device” (claim 10). It is respectfully submitted that this is an overly broad interpretation of the language recited in the independent claims.

In any event, according to Yamaguchi paragraphs [0038] and [0042], consideration of the environmental condition is only made when a voice command is not correct but might be a mis-

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recognized ("irregular") command that might be "inhibited" according to current travel conditions. More particularly, Yamaguchi does not consider the environmental condition at all when the voice command is the correct one. In the recited claims, to the contrary, the function setting or operating condition of the target device itself is considered when the voice command is recognized. In addition, the amended claims recite that a correct usage of the voice command is provided "when the voice command is determined inexecutable in the function setting detected currently and is executable in a different function setting of the target device" (claim 1; see also claims 9, 10).

Yamaguchi fails to teach or suggest, for example, these elements recited in independent claims 1, 9 and 10. It is respectfully submitted therefore that claims 1, 9 and 10 are patentable over Yamaguchi.

For at least these reasons, the combination of features recited in the independent claims, when interpreted as a whole, is submitted to patentably distinguish over the references of record. In addition, Yamaguchi clearly fails to show other recited elements as well.

With respect to the rejected dependent claims, applicant respectfully submits that these claims are allowable not only by virtue of their dependency from the independent claims, but also because of additional features they recite in combination.

In addition, with regard to claim 11, none of the references (alone or in combination) teach that the function setting detection means of the target device detects function settings by interrupting the operation of the target device. Similarly, with regard to claims 13 and 15, none of the references teach that the operating condition is detected by interrupting the operation of the target device. On page 7 of the Final Office Action, the examiner argues that Yamaguchi's ability to forbid or permit device actuation amounts to detecting the function setting by

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interrupting the operation of the target device. (“[W]hen a certain similar type command has been recognized, ... the device actuation according that command is forbidden,” Yamaguchi paragraph [0013].) Forbidding actuation is completely different from interrupting operation of a device to detect its function setting. Accordingly, it is respectfully submitted that the rejection of claims 11, 13 and 15 must be withdrawn.

With regard to claims 12, 14 and 16, none of the references teach or suggest sending a signal to execute the command if it is executable under the detected operating condition, and that the function setting of the target device is changed by executing the command. For example, the examiner argues in the Advisory Action that an environmental condition such as “nighttime” “leads to a function setting” of the target device. Assuming as the examiner argues that an environmental condition such as “nighttime” can lead to a function setting of the device (which applicants deny), Yamaguchi fails to teach or suggest sending a signal to the device to execute a command which changes such a function setting according to the examiner’s interpretation, e.g., so that it is no longer “nighttime”. Considering these claims as a whole, it is respectfully requested that the rejection of claims 12, 14 and 16 be withdrawn for this additional reason.

For these additional reasons, claims 11-16 are deemed to be patentable over the references, alone or in combination.

New claims 17-19 are added and are deemed to be patentable for reasons including those provided above. Support for the new claims is located in the application as filed, for example, FIG. 1, element 2; and page 6, lines 16-18. By reciting that the commands are used to change the function setting or operating condition of the target device, it is clear that a function setting or operating condition is not a result of merely an external condition. Accordingly, claims 17-19 are deemed to be patentable over the references.

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Applicants respectfully submit that, as described above, the cited art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited art shows any of the elements recited in the claims. However, applicants have provided specific examples of elements in the claims that are clearly not present in the cited art.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples applicant has described herein in connection with distinguishing over the cited art as limiting to those specific features in isolation. Rather, for the sake of simplicity, applicants have provided examples of why the claims described above are distinguishable over the cited references.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,



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